

COLORADO WASTE TIRE PROGRAM INFORMATION

End User and Processor Partial Reimbursement Program

**Revised
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**STATE OF COLORADO
DEPARTMENT OF LOCAL AFFAIRS
DIVISION OF LOCAL GOVERNMENT**
1313 Sherman Street, Room 521 – Denver, Colorado 80203

**This document is also available
on the Department of Local Affairs' Home Page at
<http://www.dola.state.co.us/LGS/FA/wtf.htm>**

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COLORADO WASTE TIRE RECYCLING GRANTS PROGRAM GUIDELINES

End User and Processor Program

The Colorado General Assembly passed legislation in 1998, HB 98-1176, creating the End User Program, C.R.S. 24-32-114 (1) (c), as amended. The General Assembly further amended the Waste Tire Statute in 2001, HB 1018. The intent of this program is to assist businesses that employ tire recycling and reuse technologies to become economically viable. Helping to sustain end user businesses through partial reimbursements reduces both the possibility of illegal tire dumping and the legal disposal of such tires in landfills.

In order to ensure consistency in the management of the end user program, formal rules were adopted in accordance with C.R.S. 25-17-202. These rules are available upon request—contact (303) 866-2156 for a copy. The following information is contained within the adopted rules:

Definitions Under Approved Rules.

“Applicant” means any person or business seeking partial reimbursement under C.R.S. 24-32-114(1)(c), et. seq.

“Authorized Signature,” means the signature of any individual who has authority to sign on behalf of, or bind, the applicant.

“Cost of Use” means the cost per ton to the person processing or end-using the waste tire material in an acceptable application. Cost of use includes the purchase price of the material, all fixed and variable costs related to the processing of the waste tire material.

“Daily cover” means using waste tire material as an alternative cover placed upon exposed solid waste to control disease vectors, fires, odors, blowing litter and scavenging, without presenting a threat to human health or the environment.

“Director” means the director of the Colorado Division of Local Government of the Department of Local Affairs or the director’s designee.

“Economic Value” is an attribute of a product, which is producing or capable of producing a profit, or is valued through a recognized medium of exchange.

“End Use:”

- a.) For energy recovery: utilizing the heat content or other forms of energy from the burning or pyrolysis of waste tire material; and
- b.) For other eligible uses: the last use of waste tire material to make a product with economic value. If the waste tire material undergoes more than one process in becoming a product, the end user is the last use of the tire as waste tire material.

“End User:”

- a.) The facility utilizing heat content or other forms of energy from the combustion or processing of waste tires; and
- b.) The last person or persons who uses processed waste tire materials to make a product with economic value.

“Partial Reimbursement” is reimbursement from the Waste Tire Trust Fund covering costs involved in the purchase price of waste tire material and/or the processing of waste tire material by an end user or processor, up to fifty dollars per ton.

“Processed” is changing the form of waste tires including, but not limited to, stamping, stripping, shredding, crumbing or baling.

“Processor” is a person engaged in creating processed material from waste tires, operating under a permit issued by the local, state, or federal government, or a person who is exempt from permit requirements.

“Pyrolysis” is the thermal treatment of waste tires material to separate it into other components with economic value.

“Waste Tire” means a tire that is no longer used of its original purpose. In common nomenclature it may be referred to as a “scrap tire”. This definition **excludes** buffings that are a by-product from the retreading process.

“Waste Tire Material” means material from waste tires that has been processed.

Eligible End Uses

Under no circumstances can waste tire material receive partial reimbursement for processing without an end use. The end-use of processed waste tire materials that are *eligible* for partial reimbursement include, but are not limited to:

- a.) Civil engineering applications, meeting applicable ASTM (American Society for Testing and Materials) or similar standards, which utilize waste tire materials as a substitute for soil, sand, or aggregate in a construction project’s land or surface applications, road bed base, embankments, fill materials for construction projects, or daily cover at a permitted solid waste facility, and/or other civil engineering applications as approved by state or local health departments.
- b.) Burning of waste tire material for energy recovery or supplemental fuel.
- c.) Pyrolysis.
- d.) Products made from waste tire material such as molded rubber products and rubberized asphalt.

Uses that are *not eligible* for partial reimbursement include:

- a.) Reuse as a vehicle tire.
- b.) Retreading.
- c.) Burning without energy recovery.
- d.) Land filling for disposal.
- e.) Buffings.

Partial reimbursement will be allowed only if the end use does not conflict with applicable state or local laws, ordinances or rules.

Eligible Applicants

End user businesses are eligible for partial reimbursement, and **must certify an end use**. Processors are eligible for partial reimbursement **ONLY** if they can provide certification that the processed tires were used for an eligible end use. The end user and/or processor must be located in Colorado.

Colorado-Generated Waste Tires

To be eligible for a partial reimbursement, the waste tire material must be from Colorado generated waste tires which were discarded, worn, or damaged and removed from a vehicle as the result of a sale, trade, or exchange in Colorado or from a Colorado tire pile that existed prior to September 3, 1999.

Criteria for Partial Reimbursement

- a. An end user or processor may apply to the Department of Local Affairs (Form DLG-A), for partial reimbursement for end use of waste tire material. The request for partial reimbursement must be complete and comply with the provisions of the rules promulgated.
- b. The minimum partial reimbursement application amount is 5,000 passenger tire equivalents or 50 tons of waste tire material used within one state fiscal year (a fiscal year runs July 1 – June 30).
- c. The first application by an applicant in any fiscal year must be greater than or equal to 50 tons of waste tire material, processed or end-used in the preceding quarter(s). Acceptable documentation proving the minimum 50 tons of waste tire material may include but is not limited to weight tickets from a certified scale or number and types of tires.
- d. Eligible applicants must certify the tires for which they are claiming partial reimbursement have not been claimed by another applicant or by themselves at a previous time. In addition, applicants must certify the waste tire material is not being provided to a local government securing or having secured a grant from the Recycling Incentive Program.

- e. Applications must be for waste tires that have been processed or used within the preceding quarter; with the exception of an applicant who requires more than one quarter to process 50 tons or more of waste tire material for partial reimbursement.
- f. Documentation for partial reimbursement must include the following:
 - The “Colorado Tires” certificate signed by the applicant stating that the waste tires are Colorado-generated (form DLG-D);
 - Original invoices;
 - Reports of material delivered;
 - Weight tickets; and
 - Copies of purchase agreements.
- g. The use of tire bales for any end use project must include appropriate certificates and/or permits from the applicable local government with the application (i.e., zoning, construction, building, and certificate of occupancy). If the applicable local government does not require certificates or permits for the use of tire bales in the project, a letter stating as such is required with the application.

Application Deadlines

Applications of quarterly partial reimbursement will be accepted no later than the 20th day (or the following business day) of the months of January, April, July, and October:

Quarter	Months in the Quarter	Date Application is Due
1 st	July – August – September	October 20 th
2 nd	October – November - December	January 20 th
3 rd	January – February – March	April 20 th
4 th	April – May - June	July 20 th

Applications received after the deadline will be considered late and partial reimbursement will not be considered for that calendar quarter. Late applicants may reapply for the next quarterly distribution to request partial reimbursement. However, if an applicant is late in the fourth quarter (April – June), they may not re-apply in the next state fiscal year for tons processed in the prior fiscal year.

Partial Reimbursement Rate

The amount of the partial reimbursement for processed waste tire material may be up to \$50.00 per ton. Funds will be disbursed pro-rata, based on the amount of revenue received in the current calendar quarter made available to the Director for partial reimbursements, divided by the number of requests received as expressed in tons. Up to 30% of the Waste Tire Program funds may be expended for partial reimbursement to processors and end users.

Effective January 1, 2004, end users will receive 72% of the funds generated by the Recycling Development Fee set up in HB 03-1329.

Processing of Applications

All applications will be reviewed for completeness and eligibility by the first of the month following the application deadline. If an application is not complete as required, the applicant will be required to submit the missing information within a prescribed time period. The director will defer partial reimbursement to the applicant until adequate information is received.

Enforcement

An end user or processor who applies for a partial reimbursement is potentially subject to an audit by the Division of Local Government. Applicants shall allow access to all records related to waste tire management activities during normal business hours for the purpose of determining compliance for five years. In addition to any other penalty imposed by law, any applicant that fraudulently provides false information to the Division in applying for a partial reimbursement shall be made ineligible to receive partial reimbursement under these rules.

Questions?

Please contact Pam Kennedy at 303-866-5491 or via email at pam.kennedy@state.co.us or Don Sandoval at 970-679-4501 or via email at don.sandoval@state.co.us.

COLORADO WASTE TIRE GRANT PROGRAM
End User and Processor Application
Form DLG-A

Applicant's Name _____

Company Name _____

Federal Identification Number _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

Location where End Use or Processing Occurred:

Description of End Use or Processing:

Date(s) of End Use: _____

Amount of Waste Tire Material Used: _____ Tons OR _____ Tires

Attachment Checklist:

- ☐ The "Colorado Tires" certificate signed by the applicant stating that the waste tires are Colorado-generated (form DLG-D);
- ☐ Original invoices;
- ☐ Reports of material delivered;
- ☐ Weight tickets;
- ☐ Copies of purchase agreements;
- ☐ Appropriate certificates/permits for projects using tire bales; and
- ☐ Completed and signed W-9.

Please mark proprietary information as such.

CERTIFICATION: I certify the amount of waste tire material listed above was utilized in the manner specified on this request for reimbursement during the listed quarter. I certify the waste tires for which I am claiming partial reimbursement have not been claimed by any other applicant or by myself at a previous time. I also certify the waste tire material claimed herein for partial reimbursement is not being provided to a local government securing or having secured a grant from the Recycling Incentive Program.

I further certify the documentation exists at the office of the applicant listed above that demonstrates the waste tire material was from waste tires generated in Colorado as defined in the Rules for Partial Reimbursement of Waste Tire Processing and Usage, Part IV, D pursuant to ((24-32-114(1)(c))). Additionally, I certify records exist in our office for review by the Department of Local Affairs that shows the purchase price paid or cost of use and the amount of waste tire material used. I certify I am authorized to sign this application on behalf of the company listed on this application.

Print Name _____

Signature _____

Title/Position _____

Company _____

Date _____

Mail Completed Application and all Attachments to:

Colorado Waste Tire Program
Department of Local Affairs
Division of Local Government
1313 Sherman Street, Room 521
Denver, CO 80203

“COLORADO TIRES”

Form DLG-D

I hereby certify the waste tire material used in this project is from Colorado generated waste tires which were discarded, worn, or damaged and removed from a vehicle as the result of a sale, trade, or exchange in Colorado or from a Colorado tire pile that existed prior to September 3, 1999.

Processor/Company #1: _____

Signature: _____

Print Name: _____

Title: _____

Date: _____

Processor/Company #2: _____

Signature: _____

Print Name: _____

Title: _____

Date: _____

End User (Applicant) Name: _____

Signature: _____

Project Name: _____

Date: _____

This form is required to complete the Colorado Waste Tire
End User Partial Reimbursement Program and the *Recycling Incentives Program*
application process.